

FRIEDMAN, JAMES & BUCHSBAUM LLP  
John P. James, Esq. (JJ-8110)  
Andrew V. Buchsbaum (AB-6475)  
Attorneys for Claimant/Defendant SUSAN WANG  
21 Kilmer Drive, Suite G  
Morganville, NJ 07751  
(212) 233-9385

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

-----x	18 Civ. 14929 (JMV) (SCM)
IN THE MATTER OF THE COMPLAINT OF	
WEEKS MARINE, INC., AS OWNER OF THE	:
CRANE BARGE "WEEKS 529" FOR EXONERATION	:
FROM AND LIMITATION OF LIABILITY	:
-----x	
	<b><u>CLAIM OF SUSAN WANG</u></b>
	<b><u>JURY TRIAL</u></b>
	<b><u>DEMANDED</u></b>

Claimant/Defendant, SUSAN WANG (sometimes referred to herein as "Claimant"), individually and as personal representative of the Estate of BRANNIN J. BEEKS, deceased, and for the benefit of all distributees of BRANNIN J. BEEKS, deceased, by her attorneys, FRIEDMAN, JAMES & BUCHSBAUM LLP, as and for her claim in this action against Plaintiff/Petitioner WEEKS MARINE, INC., and without prejudice to Claimant's right to proceed to trial by jury of her claims whether as Claimant/Defendant in this action or as Plaintiff in the prior-filed separately commenced related action arising from the same incident captioned Susan Wang, etc. v. Weeks Marine, Inc. et al., 18-CV-10156 (JMV) (SCM), or as may be consolidated herein, states as follows:

**Nature of Claim:**

1. This claim is brought pursuant to 33 U.S.C. § 905(b), the general maritime law of the United States, as may be supplemented by the laws of the State of New Jersey, seeking monetary damages as a result of the tragic death of BRANNIN J. BEEKS, age 43, on or about April 26, 2018 in the navigable and New Jersey State territorial waters off of Perth Amboy, New Jersey while onboard the crane barge "WEEKS 529," owned and/or operated by Plaintiff/Petitioner

WEEKS MARINE, INC. and/or NORTH AMERICAN AGGREGATES, LLC as owner *pro hac vice*.

**Parties:**

2. Claimant SUSAN WANG is a citizen and resident of the State of Connecticut and at all relevant times was the wife of BRANNIN J. BEEKS, deceased.

3. Pursuant to Decree Granting Probate issued and dated May 29, 2018 by the State of Connecticut Court of Probate, Fairfield Probate Court, Claimant SUSAN WANG was appointed Administrator of the Estate of BRANNIN J. BEEKS, deceased.

4. As a result of the untimely death of BRANNIN J. BEEKS, the Claimant's decedent, BRANNIN J. BEEKS left surviving his wife, the Claimant SUSAN WANG and infant children A.B, M.B. and B.B.

5. Pursuant to Appointment issued and dated May 22, 2018 by the State of Connecticut Court of Probate, Fairfield Probate Court, Claimant SUSAN WANG was appointed guardian *ad litem* for the infant children A.B., M.B and B.B.

6. Plaintiff/Petitioner WEEKS MARINE, INC. is a corporation organized and existing pursuant to the laws of the State of New Jersey with its office and principal place of business located at 4 Commerce Drive, Cranford, New Jersey 07016.

**AS AND FOR A FIRST CAUSE OF ACTION**

7. Claimant repeats and realleges each and every allegation contained in paragraphs 1 through 6 with the same force and effect as if set forth at length herein.

8. At all times and dates hereinafter mentioned, Plaintiff/Petitioner WEEKS MARINE, INC. owned the crane barge "WEEKS 529," its equipment and appurtenances.

9. At all times and dates hereinafter mentioned, NORTH AMERICAN AGGREGATES, LLC was the owner and/or owner *pro hac vice* of the crane barge “WEEKS 529,” its equipment and appurtenances.

10. At all times material hereto, Claimant’s decedent, BRANNIN J. BEEKS, was engaged in performing services within the purview of the Longshore and Harbor Worker’s Compensation Act, 33 U.S.C. § 901 *et seq* while onboard the crane barge “WEEKS 529.”

11. On or about April 26, 2018, Claimant’s decedent, BRANNIN J. BEEKS, while onboard the crane barge “WEEKS 529” in the navigable and New Jersey State territorial waters off of Perth Amboy, New Jersey, was caused to sustain severe and permanent personal injuries which eventually resulted in his death as a result of a fall from the crane barge “WEEKS 529.”

12. Said injuries were caused by the negligence of the Plaintiff/Petitioner WEEKS MARINE, INC. and/or NORTH AMERICAN AGGREGATES, LLC in its/their ownership, possession, management, design, operation and control of the crane barge “WEEKS 529,” its equipment and/or appurtenances, and by otherwise breaching the obligations of 33 U.S.C. § 905(b) and its implementing regulations.

13. As a result of the casualty set forth above, Claimant’s decedent, BRANNIN J. BEEKS, was caused to sustain excruciating conscious pain and suffering, and fear of impending death; his family was caused to sustain pecuniary and other losses including, but not limited to, the loss of financial support, loss of the value of the services of the decedent, loss of the nurture and guidance of the decedent, loss of the decedent’s continued accumulation of an inheritable estate, and a loss of the society and consortium of the decedent, for which the Claimant seeks recovery of

damages herein individually and for the benefit of the decedent's family and distributees.

**AS AND FOR A SECOND CAUSE OF ACTION**

14. Claimant SUSAN WANG repeats and realleges each and every allegation contained in paragraphs 1 through 13 with the same force and effect as if set forth at length herein.

15. On or about April 26, 2018, while lawfully on board the crane barge "WEEKS 529," Claimant's decedent BRANNIN J. BEEKS was caused to be seriously injured, eventually resulting in his death, as a result of the negligence and lack of reasonable care of the Plaintiff/Petitioner, WEEKS MARINE, INC. and/or NORTH AMERICAN AGGREGATES, LLC, in breach of the duties established in Kermarec v. Compagnie Generale Transatlantique, 358 U.S. 625 (1958) and its progeny; and as a result of the unseaworthiness of the crane barge "WEEKS 529" in breach of the duties established in Seas Shipping Co. v. Sieracki, 328 U.S. 85 (1946) and its progeny.

16. As a result of the casualty set forth above, Claimant's decedent, BRANNIN J. BEEKS, was caused to sustain excruciating conscious pain and suffering, and fear of impending death; his family was caused to sustain pecuniary and other losses including, but not limited to, the loss of financial support, loss of the value of the services of the decedent, loss of the nurture and guidance of the decedent, loss of the decedent's continued accumulation of an inheritable estate, and a loss of the society and consortium of the decedent, for which the Claimant seeks recovery of damages herein individually and for the benefit of the decedent's family and distributees.

**WHEREFORE**, Claimant/Defendant SUSAN WANG demands judgment: against Plaintiff/Petitioner WEEKS MARINE, INC. in the sum of TWENTY MILLION (\$20,000,000.00) DOLLARS on the First Cause of Action; and against Plaintiff/Petitioner WEEKS MARINE, INC.

in the sum of TWENTY MILLION (\$20,000,000) on the Second Cause of Action; together with interest and costs; that the Complaint be dismissed; that Plaintiff/Petitioner WEEKS MARINE INC.'s right to exoneration and/or limitation of liability be denied; that SUSAN WANG's right to a trial by jury be preserved with respect to all claims asserted by SUSAN WANG as Claimant/Defendant in this action or as Plaintiff in the related prior-filed action arising from the same incident captioned Susan Wang, etc. v. Weeks Marine, Inc. et al., 18-CV-10156 (JMV) (SCM) or as may be consolidated herein; that SUSAN WANG as plaintiff be permitted to proceed to trial before a jury in the prior-filed action arising from the same incident captioned Susan Wang, etc. v. Weeks Marine, Inc. et al., 18-CV-10156 (JMV) (SCM); and/or that Claimant/Defendant SUSAN WANG have such other, further and different relief as to the Court seems just and proper.

Dated: New York, New York  
April 2, 2019

**FRIEDMAN, JAMES & BUCHSBAUM LLP**  
Attorneys for Claimant/Defendant SUSAN WANG

By:

/s/ Andrew V. Buchsbaum

John P. James (JJ-8110)

Andrew V. Buchsbaum (AB-6475)

TO: **By ECF**

Clerk of Court

All Counsel of Record